

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

Aubrey Jones,

Plaintiff,

v.

City of Columbia; Anthony Viehweg *in
his individual capacity as an Officer for
the City of Columbia,*

Defendants.

C/A No. 3:18-cv-02097-JFA-PJG

ORDER

Plaintiff Aubrey Jones filed this civil rights action alleging claims based on violations of 42 U.S.C. § 1983 and South Carolina state law. After responding to the Amended Complaint, Defendant City of Columbia then filed a motion for partial judgment on the pleadings as to Plaintiff's claims for false imprisonment and violation of 42 U.S.C. § 1983. (ECF No. 34). In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2), (D.S.C.), the case was referred to a Magistrate Judge for review.

The Magistrate Judge assigned to this action¹ prepared a thorough Report and Recommendation ("Report") and opines that this Court should grant the City's motion in part and deny the motion in part. (ECF No. 49). The Report sets forth, in detail, the relevant

¹ The Magistrate Judge's review is made in accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2) (D.S.C.). The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261 (1976). The Court is charged with making a de novo determination of those portions of the Report and Recommendation to which specific objection is made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. *See* 28 U.S.C. § 636(b).

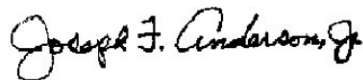
facts and standards of law on this matter, and this Court incorporates those facts and standards without a recitation.

Both parties were advised of their right to object to the Report, which was entered on the docket on September 11, 2019. (ECF No. 49). The Magistrate Judge required the parties to file objections by September 25, 2019. *Id.* However, neither party filed any objections or otherwise responded. In the absence of specific objections to the Report of the Magistrate Judge, this Court is not required to give any explanation for adopting the recommendation. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983).

After carefully reviewing the applicable laws, the record in this case, as well as the Report, this Court finds the Magistrate Judge's recommendation fairly and accurately summarizes the facts and applies the correct principles of law. Accordingly, the Court adopts the Report and Recommendation. (ECF No. 49). Thus, the City's motion for partial judgment on the pleadings (ECF No. 34) is granted in part and denied in part. The motion is granted as to Plaintiff's state law claim for false imprisonment and denied as to Plaintiff's § 1983 claim pursuant to *Monell v. Department of Social Services*, 436 U.S. 658 (1978). This case is referred back to the Magistrate Judge for further proceedings.

IT IS SO ORDERED.

October 17, 2019
Columbia, South Carolina



Joseph F. Anderson, Jr.
United States District Judge